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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1515 OF 2006
IN
FIRST APPEAL No. 1155 OF 2007

Godavari Sugar Mills Ltd. — Appellant / Applicant

Vs.

M/s. J. D. Thote Dairy,
Ashta & Anr. — Respondents

Mr. K. K. Jadhav, Advocate for the appellant.

Mr. A. M. Kulkarni, Advocate for respondent.

CORAM : Smt. R. S. DALVI, J.

DATE : June 13, 2007.

P.C. -

. The suit which is decreed in the impugned judgment dated 30-8-2005 has been filed for recovery of legal damages, specified in the contract between the parties, dated 21-12-1999.

2. Compensation to be claimed under the agreement is the rate at which the plaintiff has claimed compensation in the suit. The appeal is from a money decree. It is the contention of the appellant that the reciprocal part of the agreement between the parties required the respondent to send a tanker for the supply of 3000 Ltrs. of milk,

during the specified period and their failure to supply the milk was because the tanker was not sent. That part shall have to be determined in the appeal. Pending the appeal, the amount of compensation granted by the trial Court shall have to be deposited. Hence, the appellant shall deposit the decreetal amount within 4 weeks. On depositing the said decreetal amount, there shall be stay of the operation of impugned order. If the amount is not deposited within 4 weeks, the execution shall proceed. Civil Application is disposed off accordingly.

Sd/-
[Mrs. R. S. DALVI, J.]